

Notice of Allowability

Application No.

10/840,137

Examiner

Sharidan Carrillo

Applicant(s)

WILSON ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/9/2007.
2. ☒ The allowed claim(s) is/are 2,3,6-18 and 20-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SHARIDAN CARRILLO
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Ms. Mary Cameron on 9/6/2007.
3. The application has been amended as follows:

Please replace all previous versions of claim 15 with the following:

15. (Currently Amended) A method for flushing an uncured solvent-based paint from a paint delivery installation, said method comprising contacting said uncured solvent-based paint in or on said paint delivery installation with a composition for a time and at a temperature effective to disperse and remove said uncured solvent-based paint from said paint delivery installation, said composition containing less than about 5 weight percent water and comprising one or more organic solvents and about 0.1 to about 5 weight % of at least one polymer having functional groups selected from the group consisting of acid groups, amine groups and combinations and salts thereof, wherein said at least one polymer is soluble in the organic solvents and acts as a stabilizer or dispersant for pigment in the uncured solvent-based paint, ~~the organic solvents composition~~ comprising:

- a) 30 to 50 weight % ketone, 35 to 55 weight % aromatic hydrocarbon, 1 to 10 weight % ester, and 5 to 15 weight % alcohol;
- or

- b) 50 to 80 weight % ketone, 1 to 15 weight % aromatic hydrocarbon, 1 to 10 weight % ester, 1 to 20 weight % alcohol, and 5 to 25 weight % aliphatic hydrocarbon;

~~for a time and at a temperature effective to disperse and remove said uncured solvent based paint from said paint delivery installation.~~

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a method of removing uncured solvent based paint using a composition comprising less than about 5 weight percent water, a polymer having a weight percent of 0.2-3, or about 0.1 to about 5 weight percent, in combination with a) 30 to 50 weight % ketone, 35 to 55 weight % aromatic hydrocarbon, 1 to 10 weight % ester, and 5 to 15 weight % alcohol; or b) 50 to 80 weight % ketone, 1 to 15 weight % aromatic hydrocarbon, 1 to 10 weight % ester, 1 to 20 weight % alcohol, and 5 to 25 weight % aliphatic hydrocarbon.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The rejection of the claims, under 112, second paragraph is withdrawn in view of corrections made by applicant.

6. The rejections of the claims as being anticipated and unpatentable over Bergishagen are withdrawn in view of the amended claims. Applicant amended the

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allowable claims of 6 and 9 in independent form, as previously indicated by the examiner. Applicant further amended claim 15 to include the limitations of claims 6 and 9, therefore, placing claim 15 in allowable form. Claim 15 was further amended above in order to correct minor 112, second paragraph issues.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on M-W 6:30-4:00pm, alternating Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc



SHARIDAN CARRILLO
PRIMARY EXAMINER